

1882-022 Chancery Causes: Phebe Flanary by tc vs. Benjamin F. Thompson
Lee Co

Flanery

CA-Contract Dispute
T-Property

To the Honorable John A. Kelly Judge of
the Circuit Court of Lee County Va
Your oratrix Phoebe Hlanery who sues
by said Hlanery her husband and next
friends, humbly complaining sheweth
unto your Honor, that on the 10th. day
of October 1879. she purchased from one
B. H. Thompson a certain tract or parcel
of land situated in Lee County Virginia,
properly described in a title bond on
the said date aforesaid executed by
said Thompson to your oratrix. which
said bond will be found filed herewith
as a part hereof marked "A." By an in-
spection of which it will be seen said
bond is for the penal sum of \$1800. with
Collateral Conditions therein set forth. This bond
was and is the usual form of a bond for the
sale of land and was so intended for a
comital to writing of the contract for the
said land purchased by your oratrix as
aforesaid at the price of \$900. of which
sum \$550, has been paid, and there remains
still to be paid the further sum of \$350.

When your oratrix purchased said land
she was then as now a woman of limited
means, and was careful not to contract for
more than she could perform; and by

an inspection of said bond it will be seen, that its conditions provide that if your aratrix thereafter became dissatisfied or desired to sell said lands, said Thompson was to purchase them back upon the same condition and at the same price, due allowance being made for any damages your aratrix might do to said lands, but your aratrix alleges she did not nor has not damaged them but upon the contrary has improved them. She further alleges that she has become and is dissatisfied with the said lands, has made her dissatisfaction known to said Thompson and offered him said lands back at the price & upon the same terms of your aratrix purchase.

But he refuses to conform & comply with the terms of his own bond and seeks now enforce the residue of purchase money, & refuse to take back said lands & pay your aratrix the money back again.

The object of this bill therefore is to compel a specific performance of said written agreement, and have a decree rendered compelling said Thompson to take back said lands and refund to her the money heretofore paid him, upon which a specific performance your aratrix stands,

ready to re-deliver in as good condition as when she received them said land.

Being without remedy at law, and reliefable only in a Court of Equity, Your oratrix prays that said ^{Benjamin} Thompson be made a party defendant to this bill and answer its allegations on oath; and upon a hearing a decree be rendered enforcing the specific execution of said Contract, by compelling said Thompson to take back said land and re-pay Your oratrix her said money advanced as aforesaid - But if she is in anywise mistaken in this then that she be granted such other further and General relief as may be entitled to and for process to issue &c.

A. L. Ordemore

^{LD}
Phebe Manery by & c

Clerk \$4.77
A 15.00
S .50

\$20.27

by B. H. Thompson

B. H. Thompson
Exhibit A filed.

1882 Jan. Rules Bill filed

" Feb. Spec. Dec. & D. N.

" Mr. D. A. Conft. & set for
hearing by Plaintiff

Know all men by these presents, that I
B. H. Thompson am well and firmly
bound unto Phebe, Slavery in the sum
of Eighteen hundred dollars well and truly to
be paid to her the sd Phebe Slavery her heirs
assigns &c.

The Condition of above obligation is such that
I sd B. H. Thompson hath Bargained and sold
unto the sd Phebe Slavery a certain tract or parcel
of Land supposed to be forty acres more or less
Lying in the County of Lee & State of Virginia
on Bowel River & bounded as follows, to wit
Beginning at the Mouth of the Bearing Branch
thence up said Branch to a water Gap of sd
Thompson Just a bone Sam. Trills corner
thence with sd fence Eastwardly to the wa-
gon Road on top of a cliff, thence N
E with sd Road to Larken Herendons
Lands and with sd Herendons lines North
& West to a corner on two Sugar trees
at a short Crook in the fence, thence with
sd fence West to the top of the River Clift and
straight on to the River and with the River
to the begin to gether with all the appertances
belonging to said land, and also a water
right to the spring known as the Lees
spring to use either in pipe or otherwise
in side of sd Thompsons fence under the
Clift near the wagon Road.

Possession of said Land I gave as quick as
years time is out, I sd Thompson do

Further agree with the sd Phoebe Flannery that in case she
fails to pay all for her said land, and becomes dissatisfied
with sd land, that I the undersigned Thompson
will buy sd Lands Back upon the same conditions
that I sell it for and at the same price, subject to
any damage done on said lands by cultivation and
otherwise from the present condition of said land,
(By the sd Phoebe Flannery) Binding her self or Pers
to ^{blotched with pencil} give sd Thompson the Refusal of sd land
when sold which she sd Phoebe Flannery does
agree in the Presence of the witness of this obligation
Now when I sd Thompson on my part do
make or cause to be made a good and lawful
Deed to sd Lands upon the last payment of sd
Lands or pay sd Flannery her money Back
then this obligation on sd Thompson part is void
Otherwise to Remain in full force and
virtue as witness my hand and seal this
the 10 day of October 1879.

Teste
Job C. S. Cox

B. H. Thompson (sd)
Elizabeth Thompson

A Copy Test. J. A. Hyatt Clerks

B. F. Thompson
Lo 3 Bond
Phebe Slavery.

"A."

See for copy 60 cents

Chd.

The Commonwealth of Virginia,

To the Sheriff of Lee County - - - Greeting :

We Command you to Summon

Benjamin S. Thompson

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

February next, being rule day to answer a bill in Chancery, exhibited in our said Court against
him

by

Phoebe. Slattery &c

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House

this *5th* day of *January* 188*3*; in the *106* year of the Commonwealth.

J. A. G. Hyatt CLERK,

(P)
Phebe, Flanary
vs 3 Spa in Chcy
Benj. A. Thompson

To February Rules 1882

Executed by deliv-
ering an office
copy of the within spa
Febry 20 1882.

L. Miles D.D.
for L. S. Ely D.D.,